

Representative V. Lowry Snow proposes the following substitute bill:

OFFICE ON DOMESTIC AND SEXUAL VIOLENCE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill creates the Office on Domestic and Sexual Violence and the Domestic Violence Offender Advisory Board within the State Commission on Criminal and Juvenile Justice.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ creates the Office on Domestic and Sexual Violence within the State Commission on Criminal and Juvenile Justice;
 - ▶ requires the executive director of the commission to appoint a director of the office;
 - ▶ creates the Domestic Violence Offender Advisory Board within the commission;
- and
- ▶ requires the office to coordinate with the advisory board and other advisory councils within the commission to create and implement statewide resources and policies for reducing instances of domestic and sexual violence.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **63M-7-701**, Utah Code Annotated 1953

30 **63M-7-702**, Utah Code Annotated 1953

31 **63M-7-703**, Utah Code Annotated 1953

32 **63M-7-704**, Utah Code Annotated 1953

33 **63M-7-801**, Utah Code Annotated 1953

34 **63M-7-802**, Utah Code Annotated 1953

35 **63M-7-803**, Utah Code Annotated 1953

36 **63M-7-804**, Utah Code Annotated 1953

37

38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **63M-7-701** is enacted to read:

40 **Part 7. Office on Domestic and Sexual Violence**

41 **63M-7-701. Title.**

42 This part is known as the "Office on Domestic and Sexual Violence."

43 Section 2. Section **63M-7-702** is enacted to read:

44 **63M-7-702. Definitions.**

45 As used in this part:

46 (1) "Commission" means the State Commission on Criminal and Juvenile Justice

47 created in Section [63M-7-201](#).

48 (2) "Office" means the Office on Domestic and Sexual Violence created in Section

49 [63M-7-703](#).

50 Section 3. Section **63M-7-703** is enacted to read:

51 **63M-7-703. Office on Domestic and Sexual Violence -- Creation -- Appointment of**
52 **director.**

53 (1) There is created the Office on Domestic and Sexual Violence within the

54 commission.

55 (2) The executive director of the commission shall appoint a director of the office.

56 Section 4. Section **63M-7-704** is enacted to read:

57 **63M-7-704. Office duties.**

58 The office shall:

59 (1) provide leadership and generate unity for the state's ongoing efforts to reduce and
60 eliminate the impact of rape, sexual assault, and intimate partner and domestic and sexual
61 violence through comprehensive and evidence-based prevention, intervention, and treatment
62 for juvenile and adult offenders;

63 (2) coordinate with the Domestic Violence Offender Advisory Board, and other
64 advisory councils within the commission focused on domestic and sexual violence, to create,
65 disseminate, implement, and recommend statewide policies to address intimate partner and
66 domestic and sexual violence;

67 (3) collaborate and partner with public and private partners to perform the duties
68 described in this section using a multidisciplinary approach; and

69 (4) facilitate planning for a balanced continuum of intimate partner and domestic and
70 sexual violence prevention, intervention, treatment, and justice services.

71 Section 5. Section **63M-7-801** is enacted to read:

72 **Part 8. Domestic Violence Offender Advisory Board**

73 **63M-7-801. Title.**

74 This part is known as the "Domestic Violence Offender Advisory Board."

75 Section 6. Section **63M-7-802** is enacted to read:

76 **63M-7-802. Definitions.**

77 As used in this part:

78 (1) "Commission" means the State Commission on Criminal and Juvenile Justice
79 created in Section [63M-7-201](#).

80 (2) "Advisory board" means the Domestic Violence Offender Advisory Board created
81 in Section [63M-7-803](#).

82 Section 7. Section **63M-7-803** is enacted to read:

83 **63M-7-803. Domestic Violence Offender Advisory Board -- Creation --**

84 **Membership -- Quorum -- Per diem -- Staff support -- Meetings.**

85 (1) There is created within the commission the Domestic Violence Offender Advisory
86 Board consisting of the following members:

87 (a) the executive director of the Department of Corrections, or the executive director's

88 designee;

89 (b) the executive director of the Department of Human Services, or the executive
90 director's designee;

91 (c) the executive director of the Department of Health, or the executive director's
92 designee;

92a Ĥ→ (d) the commissioner of public safety for the Department of Public Safety, or the
92b commissioner's designee; ←Ĥ

93 Ĥ→ [~~(d)~~] (e) ←Ĥ the director of the Office for Victims of Crime, or the director's designee;

94 Ĥ→ [~~(e)~~] (f) ←Ĥ the chair of the Board of Pardons and Parole, or the chair's designee;

95 Ĥ→ [~~(f)~~] (g) ←Ĥ one judge appointed by the presiding officer of the Utah Judicial Council;

96 Ĥ→ [~~(g)~~] (h) ←Ĥ one individual who represents the Administrative Office of the Courts
96a appointed by

97 the state court administrator;

98 Ĥ→ [~~(h)~~] (i) ←Ĥ nine individuals appointed by the executive director of the commission,
98a including:

99 (i) a clinical social worker, a marriage and family therapist, a professional counselor,
100 and a psychologist licensed under Title 58, Chapter 60, Mental Health Professional Practice
101 Act;

102 (ii) an individual who represents an association of criminal defense attorneys;

103 (iii) an individual who represents an association of prosecuting attorneys;

104 (iv) an individual who represents law enforcement;

105 (v) an individual who represents an association of criminal justice victim advocates;

106 and

107 (vi) an individual who represents a nonprofit organization that provides domestic
108 violence victim advocate services.

109 (2) (a) A member may not serve on the advisory board for more than eight consecutive
110 years.

111 (b) If a vacancy occurs in the membership of the advisory board appointed under
112 Subsection (1), the member shall be replaced in the same manner in which the original
113 appointment was made.

114 (c) A member of the advisory board serves until the member's successor is appointed.

115 (3) The members of the advisory board shall vote on a chair and co-chair of the
116 advisory board to serve for two years.

117 (4) (a) A majority of the advisory board members constitutes a quorum.

118 (b) The action of a majority of a quorum constitutes an action of the advisory board.

119 (5) An advisory board member may not receive compensation or benefits for the
120 member's service on the advisory board, but may receive per diem and reimbursement for
121 travel expenses incurred as an advisory board member at the rates established by the Division
122 of Finance under:

123 (a) Sections 63A-3-106 and 63A-3-107; and
124 (b) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

125 (6) The commission shall provide staff support to the advisory board.

126 (7) The advisory board shall meet at least quarterly on a date the advisory board sets.

127 Section 8. Section **63M-7-804** is enacted to read:

128 **63M-7-804. Advisory board duties -- Rulemaking.**

129 (1) The advisory board shall advise and make recommendations to the Office on
130 Domestic and Sexual Violence created in Section 63M-7-703.

131 (2) As part of the advisory board's duties under Subsection (1), the advisory board
132 shall:

133 (a) research standardized procedures and methods for intimate partner and domestic
134 violence offender evaluation, intervention, treatment, and monitoring that prioritize physical
135 and psychological safety of victims;

136 (b) identify and establish best practice standards for intimate partner and domestic
137 violence evaluation, intervention, treatment, and monitoring that:

138 (i) are applicable to the state's needs;

139 (ii) are based on scientific research to address an individual's intimate partner and
140 domestic violence risk factors; and

141 (iii) incorporate evidence-based trauma informed care to enhance the quality and
142 continuity of intervention and treatment;

143 (c) disseminate the best practice standards described in Subsection (2)(b) to be used in
144 the evaluation, intervention, treatment, and monitoring of intimate partner and domestic
145 violence offenders; and

146 (d) establish an accreditation program for public and private providers of intervention
147 and treatment for intimate partner and domestic violence offenders that requires the public and
148 private providers comply with the best practices described in Subsection (2)(b).

149 (3) The advisory board shall make rules in accordance with Title 63G, Chapter 3,

150 Administrative Rulemaking Act, to implement this part.